

### **REMARKS**

Claims 1-22 are pending in this application.

Claim 1 has been amended, and claims 5-22 have been canceled without prejudice.

#### **Rejection under 35 U.S.C § 102:**

Claims 1-4 stand rejected under 35 U.S.C § 102 (e) as anticipated by Ho et al. (US2004/0033689).

Claim 1 recites, *inter alia*, marking patterns corresponding to predetermined groups of dummy patterns for counting dummy patterns. The instant application states that “when attempting to locate a desired point on the semiconductor device, the marking patterns can be counted instead of individual dummy patterns. This makes locating the desired point easier and more reliable than the conventional method of counting individual dummy patterns.” See lines 8-11 at page 8. Applicants respectfully submit that Ho does not disclose the above-claimed feature.

Examiners states that Ho discloses marking patterns (Figs. 6 and 7, 102a). Applicants respectfully disagree. Applicants respectfully submit that 102a is not a marking pattern for counting dummy patterns, but an alignment mark. One of ordinary skill can readily appreciate that the alignment mark is a precision feature that is used as a reference when positioning subsequent pattern in a lithography process. As such, the alignment mark (102a) does not correspond to predetermined groups of dummy patterns. See Fig. 6. Further, the alignment mark cannot be used as marking patterns because there is no showing that the alignment mark is used to form a demarcation of any group of

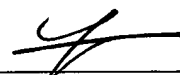
dummy patterns. Therefore, Applicants respectfully submit that claim 1 is not anticipated by Ho.

Claims 2, 3 and 4 depend from claim 1. Claims 2, 3 and 4 include the elements of the independent claim and therefore is not anticipated by the cited reference for at least the reasons given above.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-4 under 35 U.S.C § 102 (e) and claims 1-4 are in condition for allowance.

For the foregoing reasons, the present application is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully requested. The Examiner is invited to contact the undersigned if he has any questions or comments in this matter.

Respectfully submitted,

  
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